

TOWN MANAGER
Ken Deal

TOWN CLERK
Pamela Mills

TOWN ATTORNEY
Tom Brooke



MAYOR
Charles Seaford

TOWN COUNCIL
Don Bringle
Arthur Heggins
Brandon Linn
Rodney Phillips
Steve Stroud

**CHINA GROVE PLANNING BOARD MEETING
ELECTRONIC MEETING
Minutes of Regular Meeting
Wednesday, August 12, 2020**

The China Grove Planning Board met electronically on Wednesday, August 12, 2020 at 6:00 PM at the China Grove Town Hall, 333 North Main Street, China Grove, North Carolina.

Planning Board Members Virtually Present: David Morton, Chairman
Butch Bivens, Vice Chairman
Brie Bivens-Hager
Rodney Phillips
Jason Hinson
Jason Higgins

Planning Board Members Absent: Natalie Morgan

Staff Virtually Present: Pamela Mills, Town Clerk
Franklin Gover, Assistant Town Manager

Visitors Virtually Present: Eddie Moore, Matt Pannell, Rene Mercier, Michael Sandy, Cheryl Thompson, Christian Jones, Jimmie Childers, Trevor Efird, D Nelson, Ronnie

Roll Call and Recognition of Quorum

Chairman Morton called the meeting to order at 6:00 PM. The presence of a quorum was recognized at that time.

Adoption of Agenda

Mr. Phillips made the motion to adopt the agenda. Mr. Higgins seconded the motion, which carried unanimously.

Public Comment

None

Courtesy Hearings

Please Note: Due to the current State of Emergency no Board action on public hearing items will occur if a virtual meeting is used to conduct the public hearing. The item will be continued and the public will have 24 hours from the end of the meeting to provide comments on the public hearing item.

2020-Z-02, 2020-CUP-02, 2020-S-01 Major Subdivision – Collin’s Walk

Rene Mercier an attendee asked how we comment. Mr. Gover stated there are two options, you can type the comment or you can be unmuted and talk during the comment section.

Mr. Gover stated the applicant is requesting a rezoning from Suburban Residential District to a Mixed Residential Conditional Use District to accommodate a major residential subdivision with 50 and 60-foot-wide lots. He stated a conditional use district is established to address situations where a particular use may be acceptable but the general zoning district is not.

Mr. Gover stated procedures are different for a virtual meeting. He stated he will give the staff report, he will answer questions from the Board, the applicant will present, we will open the Courtesy Hearing and take comments from the public. He stated he will share the petition that was received from residents on Collins Road. He stated we will recess the hearing until Thursday, August 13, 2020 at 6:00 PM. He stated on Thursday we will read any written comments submitted to the Town Clerk and close the hearing. He stated at that time the Board will be able to deliberate and vote on the case.

Mr. Gover stated there are two parcels that make up the area. He stated approximately 175 acres of undeveloped property. He stated the property adjoining these two parcels is the development that we considered in 2019. He stated most properties surrounding are zoned Mixed Residential along Shue Road, Suburban Residential along Collins Road and Manufacturing Home district around Westhaven Way. He stated Collins Road is a state-maintained road to a certain point and gravel begins at the end of the state-maintained portion. He stated Shue Road has largely undeveloped properties with some residential properties.

Mr. Gover stated this process is unique to North Carolina. He stated after zoning a district that has no uses you immediately approve a Conditional Use permit that approves the uses for that zoning district. Mr. Gover stated in 2005 a previous Town Council approved a Conditional Use Rezoning for the subject parcels allowing a major subdivision based on the following conditions:

1. The only uses will be single family residences and their associated accessory uses.
2. The subdivision will have no more than 300 homes comprised of a full mix of designs on lots meeting the minimum dimensional criteria for the underlying zoning district
3. 133 lots will be 8,500 sq. ft.
4. 78 lots will be 10,000 sq. ft.
5. 109 lots will be 20,000 sq. ft.
6. Lots must be developed at a 1:1 ratio until the maximum numbers are met.
7. Buffers along Shue Road in the form of berms, fences, or heavy landscaping maintained by an HOA
8. Maximum of 100 units built per year, with build out planned in three years
9. Owner deeding the flood plain area to town
10. Property owner to follow all laws and requirements.

He stated the major subdivision was never constructed and the conditional Use Districts have expired.

Mr. Gover stated the Mixed Residential (RM) district has a front setback of a minimum of 10 ft. and maximum of 25 ft. He stated the side setbacks are 5 ft. and the rear setbacks are 25 ft. He stated the minimum lot width is 50 ft. and allows 15 units an acre. He stated the RM district is typically around the edge of the center city and promotes high density and a mixture of housing types including multi-family. He stated the RM district on Shue Road has single family homes on 100 ft. lots and multi-family homes. He stated the RM district on East Liberty Street has single family homes on 50 ft. lots. He stated the RM district on Railroad Ave has single family homes on 100 ft. lots. He stated Miller’s Grove has 60 ft. lot width with 25 ft front setbacks and is zoned RT-CU. He stated the developer is proposing 10 ft. front

setbacks with a 5 ft. recessed garage. He stated the RS district is on the outskirts of town and is largely single-family homes. He stated according to the Land Use Plan this property is located in the Rural Residential future land use category which is typically around the outskirts of the town's corporate limits. He stated the developer is proposing a dedicated open space, greenway, and tree save program. He stated there are multiply points of entry off of Hwy 29 and North Main Street via Collins Road and Shue Road. He stated the Land Use Plan mentions street trees, access to different transportation modes, rural character, and compatibility.

Mr. Gover stated the site plans show required stream buffers. He stated looking at the interconnectivity it shows grid like blocks that are less then 1,000 ft. He stated there are several stormwater control measures indicated. He stated Collins Road would flow all the way through the development to Shue Road. He stated there are a number of cul-d-sac's and future stub out streets which are key to other development of the undeveloped property in the area. He stated the site plan shows sidewalks on both side, utility strips and a grass strip. He stated looking at the lots there are a blend of 50 ft. and 60 ft. lots. He stated the break down they are proposing 211, 50 ft. lots and 162, 60 ft. lots. He stated the majority of the 50 ft. lots are located at the beginning of the development when entering off of Shue Road. He stated this development is designed to the RM standard.

Mr. Gover stated no site shall be graded to create a slope greater than 2:1 at adjacent properties unless the slope already existed on the undeveloped land. He stated the applicant is proposing retaining walls on some lots to control the slopes. He stated he recommends that the HOA be responsible for the maintenance of the retaining walls. He stated natural floodplain and floodways, wetland areas, existing tree canopy, forest stands, or significant vegetation on slopes exceeding 25% shall be preserved.

Mr. Gover stated mailed notices went out July 30th, 2020 and a notice was posted on the property.

Chairman Morton asked how deep are the lots on average in Miller's Grove. Mr. Gover stated approximately 100 ft. deep. Chairman Morton asked how deep the proposed lots are. Mr. Gover stated 120 ft. deep. Chairman Morton asked what the minimum front setback is in the current RS district. Mr. Gover stated 30 ft. Chairman Morton asked in Miller's Grove the current lot is 70 ft. with a depth of 120 ft. deep with a 30 ft. front setback. Mr. Gover stated we do not have a minimum depth required. He stated with the RS district you have to have 14,000 sq. ft. lots. He stated the current lots in Miller's Grove are 70 ft. with a depth of 200 ft. Chairman Morton stated what the applicant is proposing is 50 or 60 ft. lots with a depth of 120 ft. with a front setback of 10 ft. He stated the front yard in this proposed neighborhood would be half the depth of the lots in Miller's Grove.

Chairman Morton stated there is a home at the end of Collins Road that would end up connecting to the neighborhood via Street J and would become this resident's way out. He stated the pavement for Collins Road is in good shape. He stated there are six residents that are existing that would touch this subdivision.

Chairman Morton stated a petition was submitted from the residents on Collins Road opposing the extension of Collins Road due to increased traffic, damage to properties and road, damage to wildlife because of the development.

Mr. Hinson asked where the existing 50 ft. lots in China Grove that were shown today are. Mr. Gover stated those are located on East Liberty Street. Mr. Hinson asked what the road width is in Miller's Grove. Mr. Gover stated the main road Berrybeth Circle is a 60 ft. right of way, but the secondary roads are 50 ft.

Eddie Moore, McAdams

He stated McAdams is a land development design firm out of Charlotte. He stated he is assisting Matt Pannell with Lennar Homes with this rezoning. He introduced Matt Pannell.

Matt Pannell, Lennar Homes

He stated Lennar Homes is a national home builder and have been in business since 1954. He stated currently there are 25 active communities in the Charlotte Metro area. He stated we build from the mid-200s to mid-400s with their residential product.

Mr. Moore stated currently 96 acres is zones RM-CU and 81 acres is zoned RS-CU. He stated both Conditional Uses have expired. He stated looking at the requested zoning vs the current zoning the RS allows for 3 units per acre and the RM allows for 15 units. He stated the proposal for Collins Walk would be RM-CU with a density of 2.7 homes per acre. He stated you can have rural compatibility with lots being 50 ft. and 60 ft. He stated he did a comparison of the RS and RM districts with the same layout being proposed. He stated we could build on 350 lots on 70 ft. lots in the RS district and we are proposing 373 lots. He stated these are fairly close in numbers. He stated they are proposing 373 single family homes with 212 50 ft. lots and 161 60 ft. lots. He stated 47% of the site will be open space and tree preservation. He stated there are 5 stub streets and the Collins Road extension. He stated there is a 2.4-acre portion in the first half of the development that is a commitment to build a pool, cabana or club house and parking. He stated there are three streams that affect the property. He stated Lennar is willing to dedicate a greenway easement that is almost a mile of a potential greenway. He stated a virtual community meeting was held on June 11, 2020 via zoom. He stated of the 45 property owners that were contacted only 13 property owners asked for the zoom link. He stated only 7 joined the meeting. He stated all questions and concerns were submitted to the Town. He stated the major questions included traffic concerns, Collins Road extension, and impact to property value.

Mr. Moore stated the first phase will be along Shue Road. He stated there are two access points off of Shue Road. He stated the green way easement runs along the creek from the eastern side to the western side of the property. He stated there is potential to connect the HWY 29.

Mr. Moore stated the American Dream Series has five different models with the homes being 30 ft. wide on 50 ft. lots. He stated they have 2 car garages, 1,403 – 2,577 sf, 3-5 bedrooms with lofts or bonus rooms. He stated all homes will have a 20 ft. driveway with 10 ft. side setbacks. He stated the Walk Series has four different models with homes being 30 ft. wide on 60 ft. lots. He stated they have 2 car garages, 1,735 – 2,212 sf with 3-4 bedrooms with lofts or bonus rooms. He stated all homes will have a 20 ft. driveway with 15 ft. side setbacks. He stated the pool area will have a parking lot at the front with the mailbox kiosk location.

Mr. Moore stated NCDOT is requiring three right turn lanes, one on Shue Road at the development, one on Shue Road at Porky's and one on Hwy 29 at Collins Road.

Mr. Moore stated the sites from the eastern side to the western side on both sides of the creek have 102 feet of elevation change. He stated there are retaining walls proposed due to this elevation change.

Chairman Morton asked if the connection of Collins Road to Shue Road leads to an existing street. Mr. Moore stated it lines up with an existing street. Chairman Morton asked if street B could be moved so that the exit/entrance is not directly in front of the house across the street. Mr. Moore stated they could shift it a little so that did not happen. Chairman Morton stated the one retaining wall that is a concern to him is the one that runs along the existing property listed as number 1, parcel number 115 104. Mr. Moore stated the creek feature is steep in that area and we can visit this again.

333 N Main Street, China Grove, NC 28023 | Phone (704) 857-2466 | Fax (704) 855-1855

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, age, disability, religion, sex, familial status, sexual orientation, and reprisal. (Not all prohibited bases apply to all programs)."

Chairman Morton asked if the developer is willing to put in the greenway. Mr. Moore stated the pool is a significant investment and he is not sure if both the greenway and pool would be feasible. He stated we will make sure the design has the ability to have a greenway in the future.

Mr. Gover asked if the trees shown on this rendering are street scape trees or front yard trees. Mr. Moore stated they are front yard trees. He asked if the town is willing to have the yard trees planted on the right of way. Mr. Gover stated we are not willing to take on any maintenance.

Chairman Morton stated none of the renderings of the homes look like they would be compliant with our requirements in that all show a prominent garage forward vs garage step back from the entrance of the home. Mr. Moore stated the garage itself is behind the 15 ft. setback and meets the requirement. Mr. Gover stated the ordinance reads that the garage is to be set back from the front façade and not a set back from the right of way. Chairman Morton stated our ordinance is designed to not make the garage door the feature on the house. Mr. Moore stated we are offering a carriage style hardware for the two car garages to give a better appearance.

Chairman Morton opened the courtesy hearing.

Rene and Doug Mercier – 715 Shue Road

Mrs. Mercier stated Mr. Moore answered a lot of her questions. She stated she is all for progression but is concerned about the traffic. She asked how large the right of way is on Shue Road. Mr. Moore stated it is a 60 ft. right of way. She stated she believes 60 ft. and 70 ft. lots are a better fit and not 50 ft. lots. She is concerned with the sewer shut off valve in her front yard and access to her property if they tap into it there. Mr. Moore stated sewer will be accessed along Grants Creek. She asked why the greenway and pool could not be developed. Chairman Morton stated it is a monetary issue. She asked what will happen to the old log cabin located on the property. Mr. Pannell stated they will demolish the cabin and shed.

Mr. Gover asked the Town Clerk to email the petition to all board members. He stated the petition is from concerned citizens of Collins Road to voice their disapproval of the proposed extension of Collins Road for the following reasons:

- Our loss of privacy and peaceful neighborhood.
- Loss of safety for children and pets.
- Expense of replacing a home water well lost for some neighbors, or affect to our existing home wells.
- The loss of pasture land and fencing, along with mature trees that provide privacy, protection from wind and dust. Along with loss of structures and storage barn. Decorative landscaping and fencing.
- Addition of extreme added traffic and traffic noise. The endurance of months, maybe years of construction noise, traffic and litter. Increase in the risk of crime rate which is currently near zero.
- Possible adverse effect on property values.
- The effects on wildlife that lives in the surrounding woods. Their habit is severely being reduced.

He stated they oppose the extension and connection of Collins Road to the proposed Collins Walk Community. He stated there are more than sufficient connections from Shue Road that would not affect the Collins Road neighborhood.

He stated the citizens of Collins Road state the road has always been since its inception a dead-end road. He stated the families bought the land and built homes on Collins Road because of the peace, quiet and tranquility, low traffic and low crime rate in this neighborhood. He stated most families here have already experienced loss of land when the right of way was changed from 15 - 30 ft. to 50 ft. right of ways, to allow for a short portion of the road to be tarred and graveled. He stated the widening and straightening of

333 N Main Street, China Grove, NC 28023 | Phone (704) 857-2466 | Fax (704) 855-1855

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, age, disability, religion, sex, familial status, sexual orientation, and reprisal. (Not all prohibited bases apply to all programs)."

Collins Road for increased traffic is going to take in far more of their land and structures they would have to give up if this is done; along with the possibility of little or no compensation for that loss. He stated the quality of outdoor life they currently enjoy will be adversely affected and not allowing for peaceful walking, bicycling and playing. He stated they feel that their children, grandchildren and pets would be at jeopardy for possible injury as a result of the increased traffic. He stated the road being widened could possibly add to the current speed limit which should be 25 MPH. He stated wildlife has already changed due to recent logging in their neighborhood, which has changed their source of food and habitat. He stated they have seen a decrease in animals they are used to seeing come through the creeks and surrounding area, and will likely never return. He stated this could be an adverse effect on property values and personal property. He stated all but one family is at retirement age, with most living on fixed income, have health concerns, and cannot afford the replacement or repairs to the loss of that personal property. He stated they are concerned with tax values as well.

Mr. Gover stated the concerned citizens urge their leaders to act now to prevent the proposed extension of Collins Road. He stated the petition is signed by fifteen residents on Collins Road and will be included in the minutes as attachment A.

Chairman Morton recessed the courtesy hearing until Thursday, August 13th, 2020 at 6:00 PM to allow for the 24-hour written public comment requirement.

Mr. Moore stated Collins Road is the best way to access this property. He stated if there is another way to meet subdivision requirement by not connecting to Collins Road then we will look into that. He stated we will need to provide a connection to the Rhodes family for access to the development.

Adjourn

Mr. Bivens made the motion to adjourn. Mrs. Bivens-Hager seconded the motion, which was carried unanimously.

David Morton
Chairman

Pamela L. Mills, CMC
Town Clerk